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Environmental Health, Inc.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

B&G FOOD NORTH AMERICA, INC.,

Plaintiff,

v.

KIM EMBRY and ENVIRONMENTAL
HEALTH ADVOCATES, INC, acting as
enforcement representatives under California
Proposition 65 on behalf of the State of
California,

Defendants.

Case No. 2:20-cv-00526-KJM-DB

NOTICE OF RELATED CASE

Related Case No:
2:24-cv-01396-DAD-DB

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Local Rule 123(b), Non-Party the Institute for Environmental Health, Inc. (“IEH”) files this Notice of Related Case. IEH was issued a subpoena in this matter, which Plaintiff B&G Foods North America, Inc. (“B&G”) sought to enforce in the Western District of Washington where IEH is located. B&G’s motion has been fully briefed and is ready for

1 consideration.¹ IEH opposed B&G's motion and consented to transferring the motion to this
2 district to be determined as this Court, specifically the Honorable Deborah Barnes, has been
3 extensively involved in discovery disputes in this matter and is well versed on the case. Being
4 informed of this, the Western District of Washington ordered the motion to be transferred to this
5 forum for resolution to avoid inconsistent rulings. IEH believes this matter will be best resolved
6 by Judge Barnes and that the matter should be reassigned to this Court.
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9 Respectfully submitted,

10 Dated: May 16, 2024

/s/ David E. Crowe
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25 ¹ In order to conserve resources, IEH respectfully requests that the Court consider the motion,
26 opposition and reply briefing as it was submitted to the Western District of Washington and
request oral argument if necessary.

CERTIFICATE OF SERVICE

I certify that on May 14, 2024, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which caused a true and correct copy of the foregoing to be served upon all individuals to be noticed.

Attorney for Institute for Environmental Health, Inc.

s/ David E. Crowe
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